

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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SMITHFIELD FOODS, et al.,

Plaintiffs,

Case No. 13-C-651

v.

UNITED STATES OF AMERICA,

Defendant.

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**REVISED JOINT REPORT**

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Counsel conferred and agree that the parties can be ready for trial in July 2015. A trial of 10 to 15 days should be sufficient to determine liability and damages. The parties do not agree on whether trial should be bifurcated. However, should the Court bifurcate trial, the parties can be ready for a springtime trial of five or fewer days, as liability discovery is complete and most of the facts bearing on liability are undisputed.

Defendant proposes that the Court bifurcate the trial and decide liability before requiring it to engage in time-consuming and expensive damages discovery. Given the nature of the claims, Defendant must employ forensic accountants and other experts to examine Plaintiffs' business records and insurance documents to determine the extent of Plaintiff's property and business losses. To avoid the delay of additional discovery, Defendant proposes trying liability issues in five or fewer days, as soon as March or April, in the interests of judicial economy and efficiency.

Plaintiff opposes bifurcation. Plaintiff has already employed damage experts to quantify the property and business losses. The majority of the expert reports are complete and Plaintiff is

ready to produce those reports in the short term, thereby limiting any delay. Further, some of Plaintiff's liability witnesses may also be called as damage witnesses. As such, Plaintiffs do not believe a bifurcation of trial is warranted.

Respectfully submitted:

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**U.S. DEPARTMENT OF JUSTICE**

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## **CERTIFICATION**

I hereby certify that on December 2, 2014, a copy of the foregoing was filed electronically using the CM/ECF system and served by U.S. Mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system which will automatically send e-mail notification of such filing to all counsel of record, or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

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